

AN ORDINANCE 2006 - 01 - 12 - 7 §

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OFFICIAL ZONING MAP OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 27.14 acres out of NCB 17600 from "C-2" Commercial District, PUD "MF-33 ERZD" Planned Unit Development Multi-Family Edwards Recharge Zone District and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 14.89 acres and "RP ERZD" Resource Protection Edwards Recharge Zone District on 12.25 acres.

SECTION 2. This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance shall not exceed 50%.

SECTION 3. The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

SECTION 4. All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water

quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

SECTION 5. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

SECTION 6. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 7. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 8. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 9. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

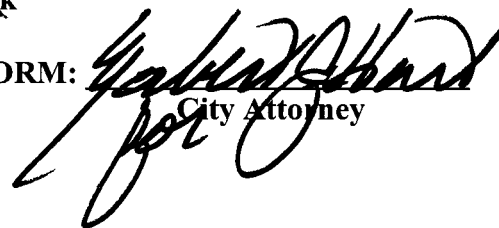
SECTION 10. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective January 22, 2006.

PASSED AND APPROVED this 12th day of January, 2006.


M A Y O R

ATTEST: 
City Clerk

PHIL HARDBERGER

APPROVED AS TO FORM: 
City Attorney

Z2005221

To C-2

**FIELD NOTES
FOR**

A 14.89 acre, or 648,500 square feet, tract of land out of a 142.719 acre tract recorded in Volume 3272, Page 231 of the Official Public Records of Real Property of Bexar County, Texas, out of the S. Jett Survey No. 92¾, Abstract 856, County Block 4950 and out of the W.M. Brisbin Survey No. 396½, Abstract 55, County Block 4923 now in New City Block (N.C.B.) 17600 in the City of San Antonio, Bexar County, Texas. Said 14.89 acres being further described by metes and bounds as follows:

COMMENCING: At a point in the south right-of-way line of Evans Road, a variable width right-of-way as recorded in Volume 9512, Pages 18-21 of the Deed and Plat Records of Bexar County, Texas, said point also being in the cutback of the east right-of-way line of U.S. Highway 281, a 326-foot right-of-way;

THENCE: S 64°59'12" E, along and with the said south line of Evans Road, a distance of 956.65 feet to the POINT OF BEGINNING and the northwesternmost corner of the herein described tract;

THENCE: S 64°59'12" E, continuing along said south line of Evans Road, a distance of 289.66 feet to a point of curvature;

THENCE: Southeasterly and easterly, continuing along said south line of Evans Road, with a curve to the left, said curve having a radius of 1299.00 feet, a central angle of 41°47'43", a chord bearing and distance of S 85°53'02" E, 926.70 feet, and an arc length of 947.57 feet to a point for the northeasternmost corner of the herein described tract;

THENCE: S 21°11'18" W, departing said south line of Evans Road, a distance of 200.56 feet to an angle point;

THENCE: S 04°41'54" E, a distance of 100.76 feet to an angle point;

THENCE: S 17°31'40" E, a distance of 102.85 feet to an angle point;

THENCE: S 04°33'43" W, a distance of 79.78 feet to an angle point;

THENCE: S 08°50'46" E, a distance of 132.47 feet to an angle point;

THENCE: S 09°31'10" E, a distance of 77.77 feet to a point of curvature;

EXHIBIT A

To Ordinance No. _____
Passed and Approved on
January 12, 2006

FIELD NOTES

14.89 Acres

Page 2 of 2

- THENCE: Southerly and westerly, with a curve to the right, said curve having a radius of 48.52 feet, a central angle of $118^{\circ}43'12''$, a chord bearing and distance of $S 49^{\circ}50'26'' W$, 83.49 feet, and an arc length of 100.53 feet to a point of non-tangency;
- THENCE: $S 76^{\circ}17'34'' W$, a distance of 100.37 feet to an angle point;
- THENCE: $S 89^{\circ}20'06'' W$, a distance of 79.88 feet to an angle point;
- THENCE: $S 74^{\circ}11'02'' W$, a distance of 61.78 feet to an angle point;
- THENCE: $S 89^{\circ}03'34'' W$, a distance of 218.62 feet to a point for the southernmost corner of the herein described tract;
- THENCE: $N 26^{\circ}32'38'' W$, a distance of 123.26 feet to an angle point;
- THENCE: $N 22^{\circ}42'05'' W$, a distance of 60.48 feet to a point of non-tangent curvature;
- THENCE: Westerly and northwesterly, with a curve to the right, said curve having a radial bearing of $N 01^{\circ}06'18'' W$, a radius of 200.00 feet, a central angle of $49^{\circ}37'43''$, a chord bearing and distance of $N 66^{\circ}17'26'' W$, 167.87 feet, and an arc length of 173.24 feet to a point of tangency;
- THENCE: $N 41^{\circ}28'35'' W$, a distance of 438.42 to a point of curvature;
- THENCE: Northwesterly, with a curve to the right, said curve having a radius of 800.00 feet, a central angle of $20^{\circ}47'02''$, a chord bearing and distance of $N 31^{\circ}05'04'' W$, 288.61 feet, and an arc length of 290.20 feet to a point of non-tangency;
- THENCE: $N 33^{\circ}23'17'' E$, a distance of 37.32 feet to an angle point;
- THENCE: $N 04^{\circ}52'29'' W$, a distance of 120.64 feet to the POINT OF BEGINNING and containing 14.89 acres of land in the City of San Antonio, Bexar County, Texas.

THIS DOCUMENT IS NOT A LEGAL SURVEY.

Prepared by: Pape-Dawson Engineers, Inc.

Date: September 25, 1997

Job No: 3497-02

Doc Id: 3497\02\WORD\FIELD NOTES\970924A1

2005221

To RP

FIELD NOTES

FOR

12.25 acre, or 533,819 square-foot more or less, tract of land being out of a 76.69 acre tract of land as recorded and conveyed to Tonkiwa Ltd. In Special Warranty Deed recorded in Volume 6454, Pages 1395-1404 of the Official Public Records of Real Property of Bexar County, Texas, out of the S. Jett Survey No. 92 $\frac{3}{4}$, Abstract 856, County Block 4950, and the W.M. Brisbin Survey No. 396 $\frac{1}{2}$, Abstract 55, County, Block 4923, now being in New City Block (N.C.B.) 17600, of the City of San Antonio, Bexar County, Texas. Bearings are based on the recorded deed for the said 76.69 acre tract.

BEGINNING At a point on the south right-of-way line of Evans Road a variable width right-of-way Encino Park Subdivision Unit-21 recorded in Volume 9512, Pages 18-21 of the Deed and Plat Records of Bexar County, Texas, an angle point of Lot 85, Block 23 of The Village At Encino Park Subdivision, P.U.D. as recorded in Volume 9553, Page 220 of the Deed and Plat Records of Bexar County, Texas;

THENCE: Departing the south right-of-way line of Evans Road, along and with the west line of said Village At Encino Park Subdivision P.U.D. the following calls and distances;

S 45°35'44"W, a distance of 98.71 feet to a point;

S 21°13'44"W, a distance of 108.70 feet to a point;

S 00°36'19"E, a distance of 135.85 feet to a point;

S 09°12'30"E, a distance of 136.38 feet to a point;

S 30°11'43"E, a distance of 122.03 feet to a point;

S 08°59'29"E, a distance of 163.83 feet to a point;

THENCE: S 00°53'04"E, at a distance of 86.41 feet passing the southwest corner of said Village At Encino Park Subdivision P.U.D. a distance of 236.27 feet to a point, on the north line of a 100-foot C.P.S.B. Easement recorded in Volume 2008, Pages 309-312 of the Official Public Records of Real Property of Bexar County, Texas, continuing over and across said easement for a total distance of 236.27 feet, to a point on the south line of said easement, the north line of a Variable width Drainage Easement, Encino Park Subdivision Unit-9 recorded in Volume 9504, Pages 30-31 of the Deed and Plat Records of Bexar County, Texas;

THENCE: S 89°04'51"W, along and with the south line of said C.P.S.B. easement, the north line of said Drainage easement, a distance of 184.99 feet to a point;

THENCE: S 11°34'38"E, departing the south line of said C.P.S.B. easement along and with the west line of said drainage easement, a distance of 231.35 feet to a point, an angle point of Encino Park Unit-8 Subdivision recorded in Volume 9100, Pages 34-35 of the Deed and Plat Records of Bexar County, Texas;

THENCE: Departing the west line of said Drainage easement along and with the north line of said Encino Park Unit-8 Subdivision, the following calls and distances;

N 46°18'04"W, a distance of 110.04 feet to a point;

N 74°28'24"W, a distance of 130.30 feet to a point;

N 79°46'56"W, a distance of 327.15 feet to a point;

S 89°01'17"W, a distance of 164.16 feet to a point;

S 77°03'53"W, a distance of 86.42 feet to a point;

N 83°59'21"W, a distance of 153.14 feet to a point;

S 80°55'37"W, a distance of 133.35 feet to a point;

THENCE: S 72°02'11"W, a distance of 26.70 feet to a point, the northwest corner of Lot 31 and the northeast corner of Lot 32 of the Said Encino Park Unit-8 Subdivision, a northeast corner of Lot 59, Block 20 of the Encino Park Unit 17 Subdivision as recorded in Volume 9511, Page 58 of the Deed and Plat Records of Bexar County, Texas;

THENCE: N 37°55'07"W, along and with the east line of said Lot 59, a distance of 13.47 feet to a point, on the southeast line of a 60.71 acre tract recorded in Volume 6389, Pages 660-669 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Along and with the east line of said 60.71 acre tract the following calls and distances;

N 63°59'34"E, a distance of 390.69 feet to a point;

N 64°26'46"W, a distance of 168.74 feet to a point;

N 39°05'49"W, a distance of 526.31 feet to a point;

N 18°16'17"W, a distance of 420.59 feet to a point;

N 19°28'37"W, a distance of 219.33 feet to a point on the south right-of-way line of said Evans Road, the northeast corner of said 60.71 acre tract;

S 64°59'12"E, along and with the south right-of-way line of said Evans Road, a distance of 238.82 feet to a point;

Departing the south right-of-way line of said Evans Road, over and across said 76.69 acre tract the following calls and distances;

S 04°52'29"E, a distance of 120.64 feet to a point;

S 33°23'17"W, a distance of 37.32 feet to a point, the beginning of a non-tangent curve;

Southeasterly with a curve to the left, said curve having a radial bearing of N 69°18'27" E, a distance of a radius of 800.00 feet, a central angle of 20°47'02", a chord bearing and distance of S 31°05'04" E, 288.61 feet, an arc length of 290.20 feet to a point;

S 41°28'35"E, a distance of 438.42 feet to a point;

Southeasterly with a curve to the left, said curve having a radial bearing of N 48°31'25" E, a radius of 200.00 feet, a central angle of 49°37'43", a chord bearing and distance of S 66°17'26" E, 167.87 feet, and an arc length of 173.24 feet to a point;

S 22°42'05"E, a distance of 60.48 feet to a point;

S 26°32'38"E, a distance of 123.26 feet to a point;

N 89°03'34"E, a distance of 218.62 feet to a point;

N 74°11'02"E, a distance of 61.78 feet to a point;

N 89°20'06"E, a distance of 79.88 feet to a point;

N 76°17'34"E, a distance of 100.37 feet to a point;

Northerly with a curve to the left, said curve having a radial bearing of N 19°12'02" E, a radius of 48.52 feet, a central angle of 118°43'12", a chord bearing and distance of N 49°50'26" E, 83.49 feet, and an arc length of 100.53 feet to a point;

N 09°31'10"W, a distance of 77.77 feet to a point;

N 08°50'46"W, a distance of 132.47 feet to a point;

N 04°33'43"E, a distance of 79.78 feet to a point;

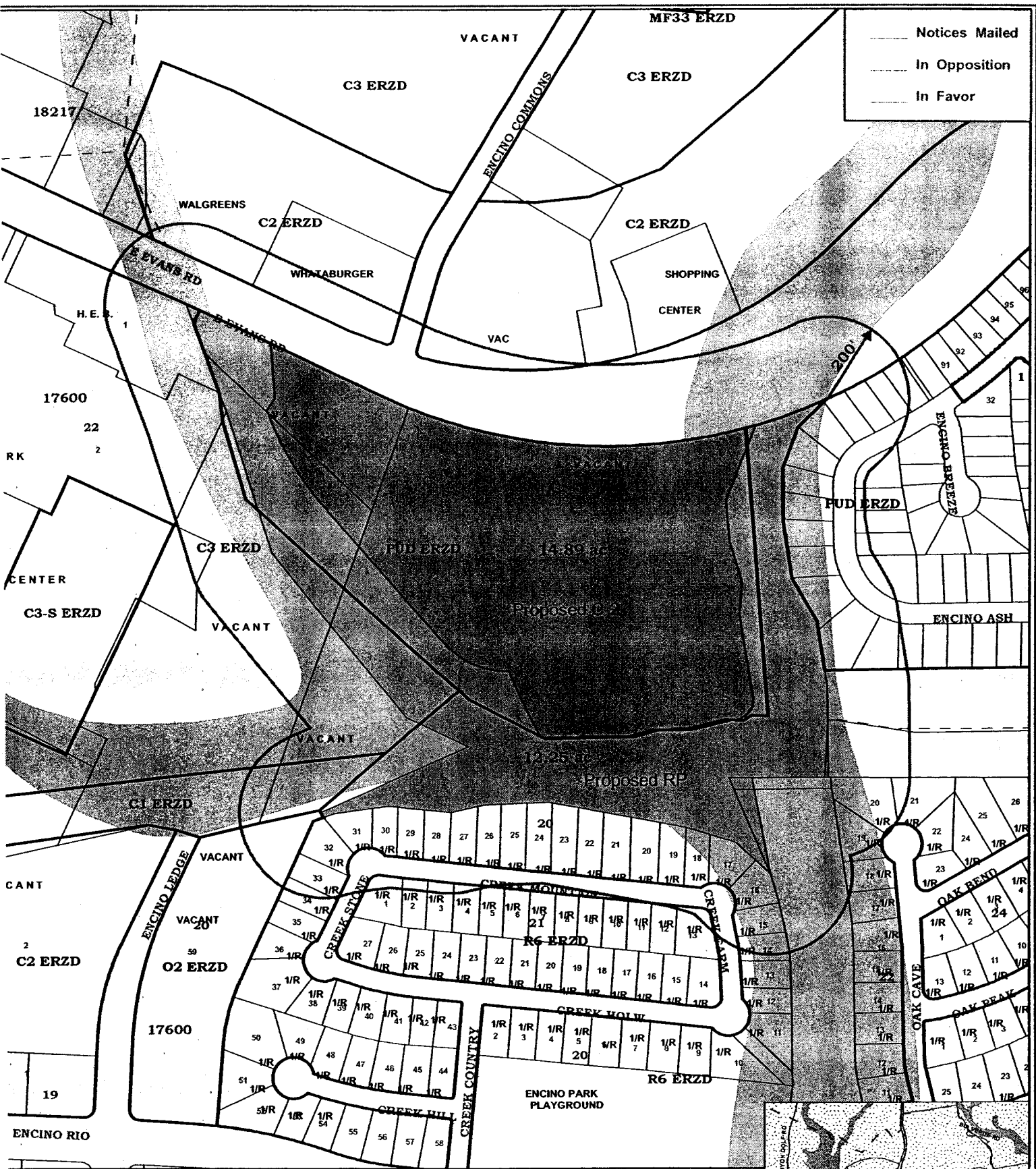
N 17°31'40"W, a distance of 102.85 feet to a point;

N 04°41'54"W, a distance of 100.76 feet to a point;

THENCE: N 21°11'18"E, a distance of 200.56 feet to a point on the south right-of-way line of said Evans Road;

THENCE: Easterly with a curve to the left, said curve having a radial bearing of N 16°46'54" W, a radius of 1299.00 feet, a central angle of 7°39'29", a chord bearing and distance of N 69°23'21" E, 173.49 feet, and an arc length of 173.62 feet to the POINT OF BEGINNING and containing 12.25 acres in the City of San Antonio, Bexar County, Texas.

Prepared By:	Pape Dawson Engineers
Job No.	3497-08
Date:	August 24, 2005
Doc. Id.	H:\3497\08\WORD\3497-08.doc



ZONING CASE: Z2005-221

City Council District No. 9
Requested Zoning Change

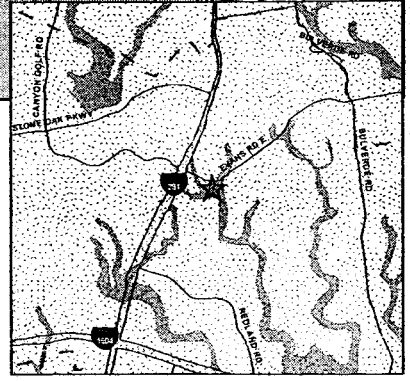
From: "C-2 ERZD", PUD "MF-33 ERZD", "R-6 ERZD" To "C-2 ERZD", "RP ERZD"

Date: January 12, 2006

Scale: 1" = 300'

■ Subject Property

○ 200' Notification



CASE NO: Z2005221

Staff and Zoning Commission Recommendation - City Council

Date: January 12, 2006

Zoning Commission Meeting Date: December 20, 2005

Council District: 9

Ferguson Map: 483 D6 & 7

Applicant:

Owner:

Brown, P. C.

Tonkiwa, Ltd.

Zoning Request: From "C-2" Commercial District, PUD "MF-33 ERZD" Planned Unit Development Multi-Family Edwards Recharge Zone District and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 14.89 acres and "RP ERZD" Resource Protection Edwards Recharge Zone District on 12.25 acres

27.14 acres out of NCB 17600

Property Location: 2400 Block of East Evans Road

East of the intersection Highway 281 North and Evans Road

Proposal: To develop a retail center

Neighborhood Association: Encino Park Home Owner Association (within 200 feet)

Neighborhood Plan: None

TIA Statement: A Level-1 Traffic Impact Analysis (TIA) was submitted and is in compliance with TIA Ordinance 91700. The TIA recommends that they make provisions for 70 feet of right-of-way at the intersection of Evans Road and the western most driveway in order to provide for the extension of Encino Ledge.

Staff Recommendation:

Approval

The subject property is located east of the intersection of two major thoroughfares, Evans Road and North 281. There are commercial uses to the north and west, and residential uses to the south and east.

"C-2" Commercial District at this site would be a continuation of the commercial uses to the west. This district would serve as a buffer between the street and the residential uses to the south. Furthermore, the "RP" district would serve as a buffer between the potential retail center and the single-family residential homes to the south and east. The "C-2" commercial district is designed to offer uses that would serve the community with a broad range of commercial uses. This zoning change would be appropriate at this location.

SAWS Summary:

1. SAWS recommends approval of the proposed land use.
2. A category determination has not been submitted. Until such time the property is classified as a Category 2 property.
3. SAWS recommends that the impervious cover on the site shall not exceed 50%.

CASE NO: Z2005221

Staff and Zoning Commission Recommendation - City Council

This case was heard on October 04, 2005 by Zoning Commission and on October 13, 2005 by City Council. City Council sent the case back to Zoning Commission for reconsideration.

Zoning Commission Recommendation:

Approval with SAWS Recommendations

CASE MANAGER : Robin Stover 207-7945

VOTE

FOR	8
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2005221

ZONING CASE NO. Z2005221 – December 20, 2005

Applicant: Brown, P.C.

Zoning Request: "C-2" Commercial District, PUD "MF-33" ERZD Planned Unit Development Multi-Family Edwards Recharge Zone District and "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-2" ERZD Commercial Edwards Recharge Zone District on 14.89 acres and "RF" ERZD Resource Protection Edwards Recharge Zone District on 12.25 acres.

Ken Brown, 112 E. Pecan, representing the owner, stated that this case was continued from the December 6th meeting. He further stated that the applicant is extending Encino Edge at their expense; this will alleviate traffic off Hwy 281. He stated that they have expanded the 25' buffer to 4 acres.

Staff stated there were 66 notices mailed out to the surrounding property owners, 2 returned in opposition and 1 returned in favor and no response from the Encino Park Home Owner Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Stribling and seconded by Commissioner McAden to recommend approval and with SAWS conditions:

SAWS recommendations:

1. SAWS recommends approval of the proposed land use.
 2. A category determination has not been submitted. Until such time the property is classified as a Category 2 property:
 3. SAWS recommends that the impervious cover on the site shall not exceed 50%.
-
1. Property is located on 27.14 acres out of NCB 17600, East of the intersection of Highway 281 North and Evans Road.
 2. There were 66 notices mailed, 2 returned in opposition and 1 in favor.
 3. Staff recommends approval.
 4. To include the TIA report as part of the motion.

Z2005221

AYES: Martinez, Robbins, Rodriguez, Kissling, Sherrill, McAden, Avila, Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Julia I. Mireles, P.E., Mike Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Revised Zoning Case Z2005221 (Encino Park Retail Center)

Date: December 2, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 27.14-acre tract located on the city's north side. A change in zoning from **MF-33 ERZD** to **C-2 ERZD** for 14.89 acres and **R-6 ERZD**, **MF-33 ERZD**, and **C-3 ERZD** to **RP ERZD** for 12.25 acres is being requested by the applicant, Brown, P.C., by Mr. Kenneth W. Brown. The change in zoning has been requested to allow a retail center.

As of the date of this report, an official request for a site specific category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 9, at the intersection of Evans Road and Encino Commons. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from **MF-33 ERZD** to **C-2 ERZD** for 14.89 acres and **R-6 ERZD**, **MF-33 ERZD**, and **C-3 ERZD** to **RP ERZD** for 12.25 acres and will allow for the construction of a retail center. The site is an undeveloped site that is covered in a dense mixture of native vegetation and fill material.

2. Surrounding Land Uses:

A single-family residential subdivision is east and south of the property. An undeveloped lot abuts the property boundary on the west side. Evans Road bound the northern boundary.

3. Water Pollution Abatement Plan:

The 27 Acre Evans Road Tract Water Pollution Abatement Plan (WPAP) was approved by the Texas Commission on Environmental Quality (TCEQ) on June 11, 2001. This WPAP has been approved for only mass grading and clearing of the site. There were a total of nine geologic features. Two features are rated as being sensitive. Feature S-32 is a zone of fractured solution enhanced rock and is still apparent at the site. The other feature (S-33) is described in the Geologic Assessment as a zone of fractured rock. As per the WPAP and approval by TCEQ, feature S-33 has been sealed with fill material. A WPAP will be required to be submitted to and approved by the TCEQ prior to commencement of construction.

4. Geologic Features:

Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Dolomitic Member of the Edwards Aquifer. Outcropping of bedrock was observed onsite. According to FEMA Flood Insurance Maps, a portion of the subject site is located within the 100-year floodplain.

Additionally, staff reviewed the geologic assessment in the WPAP prepared by Pape-Dawson Engineers, and noted two sensitive recharge features. The geologic features were rated as sensitive in the Geologic Assessment. One feature (S-32) was a zone of fractured solution enhanced rock that is still visible in a dry creek bed. The other feature (S-33) was described in the Geologic Assessment as a zone of fractured rock. This could not be verified onsite due to coverage by fill material.

All other features identified in the Geologic Assessment appear to have limited potential for recharge to the Edwards Aquifer.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

Site Specific Concerns

1. A portion of the property lies within the floodplain, and the potential increase of sediment load resulting from the additional runoff created by the development.

General Concerns

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific Recommendations

1. The impervious cover shall not exceed 50% for the entire 27.14 acre site.
2. The applicant shall be required to have a 3.94 acre variable width buffer adjacent to the 100-year floodplain boundary.
3. The retail center shall only allow land uses or activities that are in conformance with the table of permitted uses. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.
4. The owner of all water pollution abatement structures shall ensure that these structures are properly maintained and kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
5. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each tenant within the retail center development shall be informed by the lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.

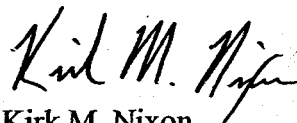
6. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.
7. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

General Recommendations

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
4. If a water quality basin is constructed on the property, the following is required:
 - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3526 to schedule a site inspection.
 - B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3526 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.

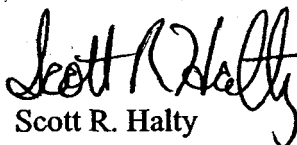
- C. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
 - D. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division.
- 5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
 - 6. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.



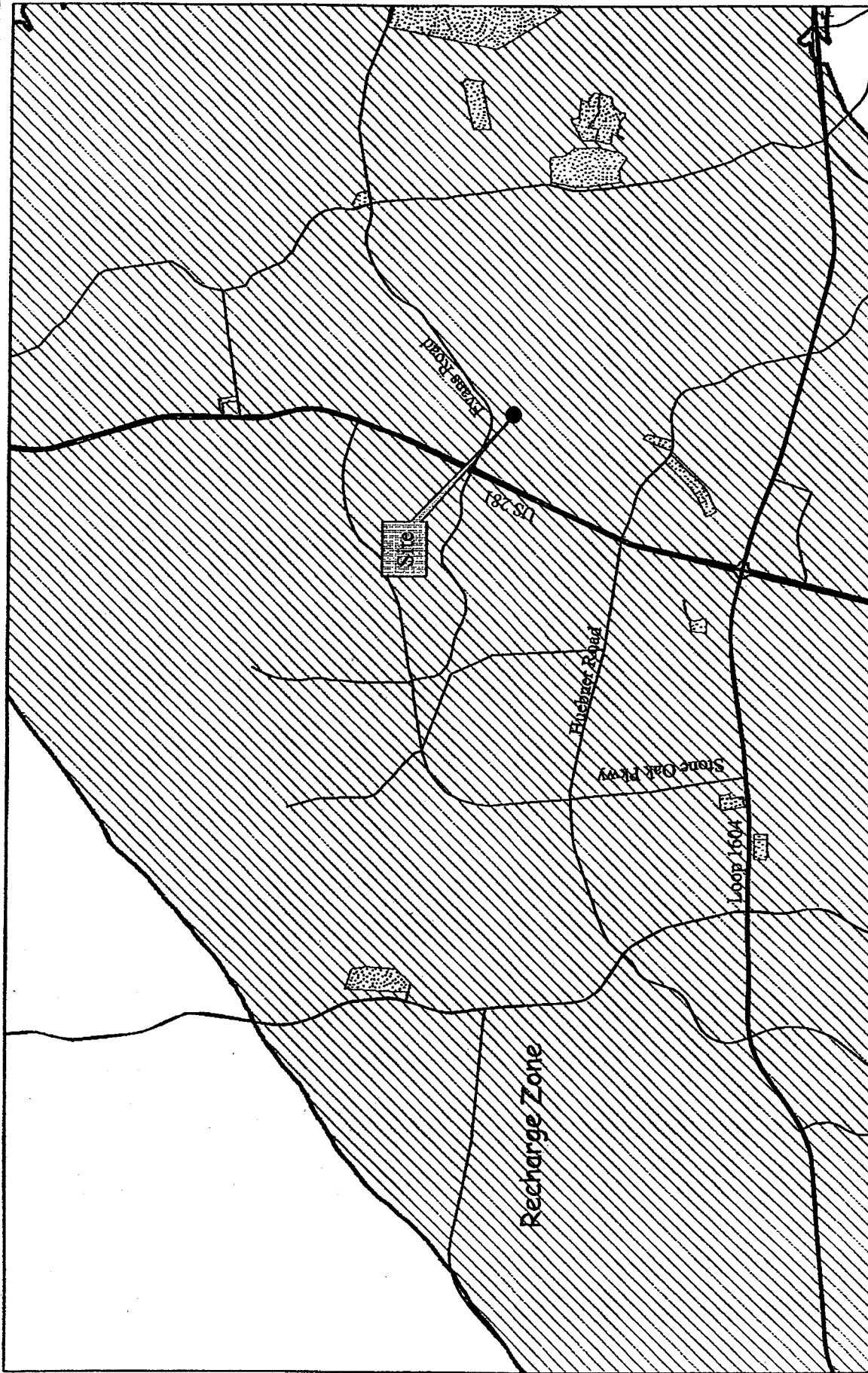
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MJB



Zoning Case No. Z2005221 Figure 1

Encino Park Retail Center

Map Page 483 D6

X=2142759 Y=13778161

Map Prepared by Aquifer Protection and Evaluation MJB 9/6/2005

